IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 30790 of 2004(M)

PETITIONER:

M.T.THOMAS, AGED 56 YEARS,
S/O.LATE THOMAS, MUTHALAKUZHI (H),
KALATHOOR KADAVU.P.O., ERATTUPETTA,
KOTTAYAM.

BY ADV. SRI.JOY GEORGE
SRI.SAJITH PAUL MATHEW

RESPONDENTS:

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1. THE PRESIDENT,
MOONILAVU SERVICE CO-OPERATIVE BANK LTD.,
NO.K 163, MOONILAVU, KOTTAYAM.

2. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

3. THE JOINT REGISTRAR OF CO-OP.SOCIETIES
(GENERAL), KOTTAYAM.

4. THE ASST.REGISTRAR OF CO-OP.SOCIETIES,
MEENACHIL, PALAI.

5. MOONILAVU SERVICE CO-OP.BANK LTD.
NO.K 163, REP. BY ITS SECRETARY,
MOONILAVU SERVICE CO-OP.BANK LTD.,
MOONILAVU, KOTTAYAM.

6. THE KERALA STATE CO-OP. EMPLOYEES
PENSION BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR, SC,KSCEPB
SRI.P.V.BABY FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- TRUE COPY OF CR NO.11/18 DATED 20.6.2001 ISSUED BY THE FIFTH RESPONDENT BANK.

EXT.P2- TRUE COPY OF STATEMENT PREPARED BY THE PETITIONER SHOWING DETAILS OF WITHHELD SALARY.

EXT.P3- TRUE COPY OF CR NO.X/2A/DATED 17.10.2002

EXT.P4- TRUE COPY OF DEMAND NOTICE ISSUED BY THE SIXTH RESPONDENT DATED 16.4.2003

EXT.P5- TRUE COPY OF DEMAND NOTICE NO.400/2 K.J.M. DATED 28.6.2003 ISSUED BY THE SIXTH RESPONDENT

EXT.P6- TRUE COPY OF REMITTANCE SLIP DATED 24.7.2003

EXT.P7- TRUE COPY OF CR NO.X/91 DATED 17.10.2002 ISSUED BY THE FIFTH RESPONDENT BANK.

EXT.P8- TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE PETITIONER IS PENSION BOOK

EXT.P9- TRUE COPY OF CR NO.III DATED 17.10.2002 ISSUED BY THE FIFTH RESPONDENT

EXT.P10- TRUE COPY OF DEMAND NOTICE NO.17/47/03 DATED 28.1.2004

EXT.P11- TRUE COPY OF REPLY TO EXT.P10 DATED 11.3.2004

EXT.P12- TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DATED 27.10.02 ADDRESSED TO THE THIRD RESPONDENT.

EXT.P13- TRUE COPY OF ORDER NO.CRP(1) 1567/2003 DATED 21.3.03 ISSUED BY THE THIRD RESPONDENT

EXT.P14- TRUE COPY OF REPRESENTATION DATED 11.4.03 SUBMITTED BY THE PETITIONER

EXT.P15- TRUE COPY OF ORDER NO.E 836/2003 DATED 21.5.2003 ISSUED BY THE FOURTH RESPONDENT.

EXT.P16- TRUE COPY OF THE AUDIT REPORT

EXT.P17- TRUE COPY OF ORDER NO.G.O.(P) 47/2000 DATED 21.3.2000.

EXT.P18- TRUE COPY OF JUDGMENT IN W.P.(C) NO.40066/03 DATED 6.7.04.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 30790/2004

Dated this 16th day of November, 2006

JUDGMENT

The writ petitioner was an employee of the fifth respondent, bank. He retired on 30.11.2002 from the Service of the bank. His consistent and repeated grievance is that the legal benefits, which are due to him, had not been disbursed. The counsel for the sixth respondent had submitted that the pension had been sanctioned. However, the learned counsel for the writ petitioner submits that the calculation of the pension is not in accordance with the dearness allowance, applicable to the retired employees of the society.

2. The writ petitioner had made Ext.P12 representation dated 27.12.2002 before the third respondent, Joint Registrar of Co-operative Societies (General), Kottayam. Ext.P13 is the reply dated 21.3.2003, in which the third respondent had stated that

the due benefits to the writ petitioner would be disbursed at the earliest. Ext.P10 is another communication issued by the fifth respondent-bank to the petitioner, directing him to remit an amount of Rs.41,642/-. But there is no material to show that such an amount had been remitted.

3. However, the contention of the counsel for the writ petitioner is that such remittance is not required, on the other hand, amounts are due from the bank to the petitioner.

4. Respondent Nos. 1 and 5 had filed a detailed counter, stating that all the legal dues to the writ petitioner had been paid off, as directed by the third and fourth respondents. This is being challenged by the writ petitioner.

5. I heard the learned Senior Government Pleader Sri.P.N.Santhosh, Adv.Joy George appearing for the writ petitioner, Adv.P.V.Baby for the first respondent and Adv.T.R.Ramachandran Nair for the sixth respondent.

6. After hearing all concerned and considering Ext.P13 reply of the third respondent, I direct the writ petitioner to approach the third respondent, the Joint Registrar of Co-operative Societies (General), Kottayam. He shall produce all the documents and raise all his contentions, basing on the facts, before the third respondent.

7. In such an event the third respondent shall examine the entire matter, hear all concerned and pass appropriate orders. This exercise shall be done within two months from the date of production of the copy of this judgment, by either of the parties.

8. The learned counsel Mr.P.V.Baby had undertaken that until the matter is decided by the third respondent, the Joint Registrar, no further proceedings shall be initiated against the writ petitioner.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

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